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LETTER DATED 26 MAY 1992 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the statement by the United States Department of State circulated in document S/23989.

An examination of that text fully confirms my statement to the Council concerning the constant and systematic attempts by the United States to obstruct the course of justice in the case of the sabotage of the Cubana Airlines aircraft in October 1976, in order to cover up the facts and thus protect the guilty parties.

The United States acknowledges that it had and has information on the direct involvement of Orlando Bosch in this monstrous act (second paragraph of document S/23989); it also acknowledges that it never transmitted that information to the Venezuelan authorities (fourth paragraph of document S/23989).

In an unsurpassable display of disrespect towards the members of the Council, the State Department tries to justify that conduct, asserting that Venezuela did not request it to provide information.

The State Department also suggests that Venezuela did not request the United States to provide information because it assumed that the United States was in no way connected with the crime and did not have any useful information on the subject.

It is not for me to challenge the assertion that Venezuela did not request information from the United States; however, I must strongly reject this endeavour to use such an excuse in order to cover up an odious crime, for 15 years, and to continue, even today, to protect the perpetrators of that crime.

For a whole series of reasons the United States had and still has the legal, political and moral obligation to provide all the information and evidence in its possession on the terrorist act in question. In general

terms, that obligation flows from the Charter of the United Nations, from the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971) and from numerous General Assembly resolutions, as well as from the most elementary principles of decency.

In this specific case, the United States had such an obligation under the bilateral agreement on the subject concluded with Cuba in 1973, which was in force at the time when the act of sabotage occurred. Furthermore, it had such an obligation under the resolution adopted unanimously by the General Assembly of the International Civil Aviation Organization, in which the Assembly urged "the States which are in a position to do so to prosecute and punish with the greatest severity those criminals who committed this deed, so that the penalty may correspond to the magnitude of the crime and constitute a deterrent for the future".

It is revealing that, after having delayed the convening of the Council meeting for almost a month and in view of all the time it had to prepare for the meeting, Washington has produced a statement that constitutes a genuine affront to those to whom it is addressed and a violation of the principles of justice. Understandably, the United States did not include that statement in the remarks made by its Ambassador and did not circulate the statement until after the meeting: the authors of the statement obviously did not dare to discuss it in public.

I must refer to two other aspects of the document prepared by the State Department.

The first is the assertion that Mr. Bosch has been tried in Cuba in absentia, which is totally false and without any foundation whatsoever. Mr. Bosch was not tried in Cuba because he was indicted and put on trial in Venezuela; moreover, we provide all relevant information to the Venezuelan authorities, and do not conceal it, as Washington has. The assertion that Cuba has tried and sentenced Bosch is a lie and, above all, a way of continuing to protect the murderer.

According to the United States statement, Washington's hypocritical logic is more or less as follows: the United States does not concern itself with the terrorist's crimes but, rather, with his violations of immigration rules; a Venezuelan court, to which Washington gave no information, acquitted him of the 1976 crime, and although the State Department has decided to deport him, it has not done so because - it claims - Cuba has sentenced him. The outcome of all this is that Mr. Bosch is in his residence in Miami and the evidence against him continues to be jealously guarded in Washington.

There is another aspect of the statement by the State Department that should be given closer consideration because it is indicative of an even more serious intention to deceive the Council.

The document that we are examining strives to give the impression that the United States Government had no connection whatsoever with the events of

6 October 1976; other Governments could therefore have regarded that Government as having no such connection, which would explain why they did not request it to tell them what it knew and why it did not feel obliged to provide any information.

It is difficult to imagine that anybody regarded the United States Government as having no such connection. Indeed, it would be extremely difficult to imagine that, quite simply because the United States authorities themselves did not believe any such thing.

I can make available to members of the Council who wish to peruse it the full text of the report of the commission of inquiry set up by the Government of Barbados, which met in Bridgetown from 28 October to 3 December 1976, and in whose meetings an official United States delegation wished to participate and in fact did participate.

If Washington had no connection whatsoever with the incident, why was it interested in attending the meetings of the Commission, from the very first to the very last meeting, throughout the entire month in which the Commission met? Was that perhaps because certain people in Washington wanted to have firsthand, precise information on any existing technical data and real evidence concerning the explosion on board the aircraft? Or because it had not yet been demonstrated - precisely as the Commission was to demonstrate - that the explosion was not attributable to an accident but, rather, to a criminal act of sabotage?

In the course of its work, the Commission received specific information and testimony on direct links between the United States authorities and the individuals who actually carried out the act of sabotage, with respect to which the United States has as yet provided no response and on which it remained silent in its communication to the Security Council. In view of the great importance of the information and testimony in question, I shall address a letter to you on the subject shortly.

The United States stance represents a serious challenge to the Security Council. The only just and honourable way of meeting that challenge is to call upon the United States to put an end to 15 years of concealment of the facts, obstruction of justice and protection of terrorists. The draft resolution that we have submitted (S/23990) would enable the Council to take a step in that direction and thus fulfil its obligations.

I request you to arrange for this letter to be circulated as a document of the Security Council.

(Signed) Ricardo ALARCON de QUESADA
Ambassador
Permanent Representative of Cuba
to the United Nations